

**FILED**

**JAN 22 2016**

Clerk, U.S. District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARIN MOWER,

Defendant.

CR 11-61-M-DLC-2

Before the Court is Defendant Darin Mower's ("Mower") Motion for Early Termination of Probation. (Doc. 633.) On October 4, 2012, Mower pleaded guilty to 21 U.S.C. § 856(a)(1) (Conspiracy to Maintain Drug-involved Premises) and was sentenced by this Court to five years probation, including four months of house arrest and 300 hours of community service. Mower has successfully completed more than three years of his five year sentence. The Government has not filed objections to this motion. As a matter of course, the Court is extremely hesitant to grant motions requesting the early termination of probation.

However, federal law allows for early termination of "a term of probation previously ordered and discharge the defendant . . . at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is

warranted by the conduct of the defendant and the interest of justice.” 18 U.S.C. § 3564(c). The Court is further directed to consider the factors in section 18 U.S.C. § 3553(a) in weighing whether to terminate a term of probation. *Id.*

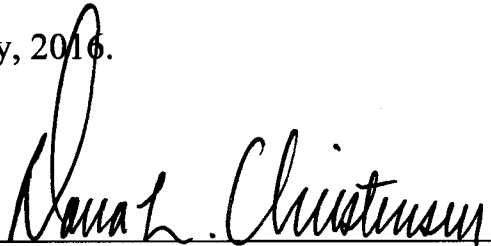
Here, the Court finds that the Mower’s conduct during his probationary sentence and the interests of justice warrant granting the motion. The Court finds that this is the appropriate course of action for two reasons. First, Mower’s underlying criminal conduct was born out of his misunderstanding between the interactions of state and federal law. Though ignorance is never an excuse for breaking the law, Mower has recognized his naivety in this area and has accepted the consequences of his actions. Further, Mower’s activity in the conspiracy was brief and his criminal history is almost nonexistent. The Court is confident that Mower will not re-offend.

Second, Mower has not only successfully completed more than one year of his probation, he has, by all accounts, done exceedingly well. Mower has complied with all his conditions of his probation as confirmed by the United States Probation Office. Further, neither the Government nor the Probation Office objects to Mower’s early termination of probation. The Court is satisfied that the interests of justice weigh in favor granting Mower’s motion.

**IT IS ORDERED that Mower’s Motion for Early Termination of Probation**

(Doc. 633) is GRANTED. The term of probation previously imposed by the Court is terminated as of the date of this order. Defendant Darin Mower is hereby discharged from the sentence of probation in this case.

DATED this 22<sup>nd</sup> day of January, 2016.

  
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Dana L. Christensen, Chief Judge  
United States District Court